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SUMMARY RECORD OF THE 4th MEETING

Chairman: Mr. KUKAN (Slovakia)

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The meeting was called to order at 3.30 p.m.

AGENDA ITEM 107: ELIMINATION OF RACISM AND RACIAL DISCRIMINATION (continued) (A/48/18, A/48/76-S/25320, A/48/81, A/48/118, A/48/291-S/26242, A/48/423, A/48/438 and A/48/439)

AGENDA ITEM 108: RIGHT OF PEOPLES TO SELF-DETERMINATION (continued)

(a) RIGHT OF PEOPLES TO SELF-DETERMINATION (continued) (A/48/94, A/48/207, A/48/211, A/48/307, A/48/330, A/48/357, A/48/384 and A/48/385)

1. Mr. SUCHARIPA (Austria) said that the international community had been combating the system of apartheid in South Africa for many years. Now that the birth of a democratic, united, non-racial South Africa was in sight, it needed to give full support to the transition process so that all South Africans, without discrimination, would be able to elect a government of their choice. Unfortunately, that process was threatened by political violence, which had claimed over 1,000 lives in July and August 1993, and there were still political prisoners in South Africa. He hoped that the multi-party national peace-keeping force created by the Transitional Executive Council would be able to stem that violence. It was necessary for the United Nations to prepare for its involvement in the elections and to provide all necessary technical assistance. The United Nations Observer Mission in South Africa would have an important role to play in that context.

2. Elsewhere in the world, there were other manifestations of racial hatred such as the so-called "ethnic cleansing" in the former Yugoslavia. Austria had always strongly condemned that criminal practice and would continue to condemn it, no matter where it took place and who the perpetrators or the victims were. It welcomed the establishment of an International Tribunal to prosecute those responsible for war crimes and violations of international humanitarian law in the former Yugoslavia, and it hoped that the Tribunal would soon be able to bring them to justice.

3. In a number of European countries, growing migration flows were awakening nationalistic and even xenophobic sentiments, and it was of the utmost importance that particular attention should be paid to that phenomenon. Meeting in Vienna, the heads of State and Government of the States members of the Council of Europe had adopted a declaration and plan of action on combating racism, xenophobia, anti-Semitism and intolerance. At the national level, Austria had recently passed legislation against neo-Nazi activities.

4. One of the most important chapters of the Vienna Declaration and Programme of Action adopted in June 1993 by the World Conference on Human Rights dealt with action for equality and dignity and against racism and racial discrimination. The international community needed to work together to make sure that the Vienna document resulted in concrete action.

5. The right of peoples to self-determination was undoubtedly one of the fundamental principles of international law. It had been the basis not only for the process of decolonization, but also for the fundamental changes that had

(Mr. Sucharipa, Austria)

occurred in Central and Eastern Europe and other parts of the world. It entailed the right of all peoples freely to determine their political destiny and pursue their economic, social and cultural development. There was broad agreement that the right to self-determination did not automatically entail the right to statehood or secession. As the Secretary-General had pointed out in "An agenda for peace", if every ethnic, religious or linguistic group claimed statehood, achieving peace, security and economic well-being for all would become ever more difficult. The Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations clearly stated that the right to self-determination could be exercised in different forms, ranging from the establishment of statehood to the adoption of any other political status freely determined by the people in question. The case of South Tyrol offered an excellent example of the implementation of that principle.

6. Enjoyment of the right to self-determination required, first and foremost, the existence in the country of an internal order that allowed universal participation without distinction in the political decision-making process. Furthermore, recognition of the rights of minorities at the national and international level could constitute a valuable instrument of preventive diplomacy, since it could in many cases prevent the fragmentation of States. For that reason, the summit meeting of the States members of the Council of Europe had laid particular stress on the recognition and adequate protection of the rights of minorities.

7. Democracy, political freedom and the holding of periodic elections were essential elements of the right to self-determination, and the United Nations and other international organizations could play an important role in assisting and securing those elements. In that connection, mention should be made of the elections in Cambodia and the referendum in Eritrea which had led to its independence.

8. Austria had repeatedly stressed that, to achieve peace in the Middle East, a satisfactory solution would have to be found for the problem of the Palestinian people. The recent Israeli-Palestinian agreement was a breakthrough and laid the groundwork for a peaceful settlement in the region.

9. The right to self-determination was complex because it could be exercised in very different ways. The initiative of Liechtenstein was very timely because, by highlighting autonomy and minority rights, it would help to increase understanding of the many facets of the right to self-determination. It was important that all claims to that right should be settled peacefully. The Committee should observe all developments carefully and draw realistic conclusions with a view to putting forward proposals which took into account both political realities and the legitimate aspirations of peoples to enjoy their full rights.

10. Mr. MARKER (Pakistan) said that the United Nations had played a key role in ending colonialism as well as in combating racism and racial discrimination and the abhorrent practice of apartheid. In that connection, Pakistan fully supported the multi-party negotiating process in South Africa and the agreement

(Mr. Marker, Pakistan)

for the establishment of a Transitional Executive Council. It hoped that the political violence in South Africa would end and that elections would be held as planned so that the people of South Africa could freely elect a government of their choice. The United Nations could take pride in having played a major role in the transformation of South Africa.

11. While the impending transition to a non-racial, democratic South Africa was a welcome development, racism and racial discrimination had unfortunately gained momentum elsewhere in the world, specifically in the former Yugoslavia and parts of Transcaucasia. The unprovoked Serbian aggression against the defenceless people of the Republic of Bosnia and Herzegovina and the abhorrent campaign of "ethnic cleansing" and genocide were the worst form of racism. Serbian aggressors had committed crimes against humanity, forced millions to flee their homes and raped thousands of Bosnian women, mostly Muslims. In spite of the solemn commitments and affirmations contained in the relevant resolutions of the General Assembly and Security Council, the international community had failed to rescue that defenceless people, and the perpetrators continued to be aided and abetted by their neighbours. In that context, mention should be made of the decision of the International Court of Justice on 13 September 1993 ordering the Government of the Federal Republic of Yugoslavia (Serbia and Montenegro) immediately to take all measures within its power to prevent the commission of the crime of genocide. The international community must demonstrate its firm resolve to defend the norms of law, justice and morality in the Republic of Bosnia and Herzegovina. For that reason, it was imperative for the International Tribunal established by Security Council resolution 827 (1993) for the prosecution and punishment of persons responsible for serious violations of international humanitarian law in the former Yugoslavia to become operational without further delay.

12. It was also a matter of concern that even in the civilized countries of Western Europe ethnic and racial intolerance was increasing, especially against migrant workers and refugees. His country was gratified that the World Conference on Human Rights held in Vienna earlier in 1993 had devoted a significant portion of its Declaration and Programme of Action to the problem of racism, racial discrimination, xenophobia and other forms of intolerance. The Conference had stressed that the United Nations organs and agencies should strengthen their efforts to implement that Programme of Action in the context of the third decade to combat racism and racial discrimination and other mandates to the same end. The world community should also turn its attention to other racist practices that were more endemic and less obvious in a number of countries and societies which were divided into castes based on birth, since that form of discrimination was tantamount to multiform apartheid.

13. Pakistan had demonstrated a consistent and vigorous commitment to combating racism and was one of the first States to sign and ratify the International Convention on the Elimination of All Forms of Racial Discrimination and one of the initiators of the International Convention on the Suppression and Punishment of the Crime of Apartheid.

(Mr. Marker, Pakistan)

14. His delegation commended the valuable work done by the Committee on the Elimination of Racial Discrimination, in particular its attempts to eliminate apartheid and all forms of discrimination wherever they existed. There was a need to accord wider publicity to the Committee's work, to strengthen its functions by all possible means and to enable it to examine the problem of racism and racial discrimination, especially its contemporary manifestations, in all signatory States of the Convention on the Elimination of Racial Discrimination. It was unfortunate that the Committee continued to be confronted by a critical financial situation. His delegation appealed to all States parties to pay their contributions on a regular basis.

15. Mrs. KABA CAMARA (Côte d'Ivoire) said that the last decade of the twentieth century had been marked by an acceleration of events, both fortunate and unfortunate: on the one hand, the resurgence of ethnic and religious conflicts in the name of the right of peoples to self-determination, which had given rise to fratricidal wars in Europe and, on the other hand, the positive developments in South Africa and the Middle East.

16. Since the adoption by the General Assembly in December 1989 of the Declaration on Apartheid and its Destructive Consequences in Southern Africa, South Africa had been moving ineluctably towards democracy, a trend made manifest by the abolition of the laws on apartheid, the release of political prisoners and the initiation of dialogue between the authorities and the leaders of the black majority. The United Nations had played a decisive role in that process by sending observers to South Africa and through its participation in the work of the Convention for a Democratic South Africa (CODESA).

17. Her country welcomed the joint declaration on the creation of the Transitional Executive Council, under which the black population would participate for the first time in the organization of free and democratic elections, scheduled for 27 April 1994. It called on all democratic forces to put an end to the violence so as to pave the way for free and fair elections. The United Nations, for its part, should facilitate the preparation of the electoral process in every way possible.

18. The positive developments in South Africa and the Middle East where, by signing a peace accord in Washington, D.C. on 13 September, Palestinians and Israelis had at last decided in favour of peaceful coexistence, represented a prime example of the fruits of dialogue, which her country had always advocated, and which required political will and the courage of political leaders to end the suffering of their peoples.

19. Her delegation welcomed the decision of the Commission on Human Rights to appoint a special rapporteur to examine the question of contemporary forms of racism, racial discrimination, xenophobia and related forms of intolerance whose recommendations would open the way to combating new forms of racism.

20. She believed that the methods for the prevention of violations of human rights and the establishment of an early warning system, which formed part of the Secretary-General's recommendations in "An Agenda for Peace" could be effective in preventing conflicts. Nevertheless, certain unresolved questions

(Mrs. Kaba Camara, Côte d'Ivoire)

must be clarified, for example, whether the initiative should be taken by the Commission on Human Rights, the Security Council or Member States; whether the consent of the State was necessary, as in the case of electoral assistance; and whether it might be necessary to consider the possibility of constituting a permanent force which would be prepared to intervene at any time in the event of a violation of human rights.

21. With a view to encouraging all delegations to participate in an open debate leading to a consensus, her delegation supported the proposal to establish a committee of the General Assembly, which would have available to it the entire range of Secretariat services, in particular, interpretation services, and which would consider each recommendation of the World Conference on Human Rights, including the establishment of a United Nations high commissioner for human rights. In the field of human rights more than in any other, consensus was needed to adopt important decisions uniting all Member States and was essential for success in fighting racism in all its forms.

22. Mr. COLOMA (Chile) said that his country fully supported United Nations efforts to combat racism and racial discrimination since the only way to maintain social stability and peace was by enforcing legal standards guaranteeing the enjoyment of human rights without distinction on the basis of race, sex or religion.

23. Nevertheless, despite the measures taken by the United Nations and a large number of States, one of the most shameful social phenomena of recent times continued to be the persistence of racial discrimination in many parts of the world and - even more disturbing - the emergence of new manifestations of racism, discrimination, intolerance and xenophobia, against minorities, ethnic groups, migrant workers and refugees. Furthermore, it was disquieting to find that in an international system designed to consolidate democracy and the principles of freedom and social development, racism persisted, fundamentally because of socio-economic and political factors.

24. All those facts pointed to the necessity of proclaiming a third decade to combat racism and racial discrimination. Yet, if the necessary resources were not available, that decade would prove fruitless, as could be seen in the hardly encouraging current status of the Trust Fund for the Programme of Action for the Decade to Combat Racism and Racial Discrimination, despite repeated calls by the Economic and Social Council, the General Assembly and the Secretary-General for voluntary contributions.

25. Furthermore, the use of education to prevent racism must become a political priority. Unless issues concerning human rights, racism and discrimination were included in school and university curricula in every country, there would be no way to stop the generational transmission of that evil behaviour. Similarly, as a complement to prevention, there must be acceptance of the principle of non-discrimination as a mandatory norm of public international law, having the force of jus cogens established in international practice, especially to deal with cases of de facto discrimination.

(Mr. Coloma, Chile)

26. His delegation considered that the multiracial Transitional Executive Council established in South Africa to prepare for the democratic elections to be held in 1994 represented the hope for peace and freedom of the people of South Africa and he welcomed any changes which would bring about a democratic and non-racist South Africa.

The meeting rose at 4.10 p.m.